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Attorneys for Federal Defendants:
United States of America; United
States Department of Health and
Human Services; Family Healthcare
Network; Melanie Murphy, D.D.S.;
Noah Alex Agard, D.D.S.; Henry
Camilo Cisneros, Jr., D.D.S.;
Guadalupe Quezada, D.D.S.; and
Antonio F. Sanchez, M.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UVALDO VALENCIA; MARIA)	1:05-cv-0472 AWI LJO
VALENCIA; ALEJANDRO)	
VALENCIA; JOSE VALENCIA;)	
ABEL VALENCIA; SOTERO)	
VALENCIA; and GUSTAVO)	NOTICE OF SUBSTITUTION OF THE
VALENCIA, individually and)	UNITED STATES AS PROPER PARTY
as successors in interest)	DEFENDANT IN LIEU OF THE FEDERAL
for Gracia Valencia de)	DEFENDANTS AND DISMISSAL OF
Viveros,)	FEDERAL DEFENDANTS PURSUANT TO
)	OFFICIAL IMMUNITY; ORDER THEREON
Plaintiffs,)	
)	
v.)	
)	
FAMILY HEALTHCARE NETWORK;)	
MELANIE MURPHY, D.D.S.; NOAH)	
ALEX AGARD, D.D.S.; HENRY)	
CAMILO CISNEROS, JR.,)	
D.D.S.; GUADALUPE QUEZADA,)	
D.D.S.; ANTONIO F. SANCHEZ,)	
M.D.; PUBLIC HEALTH SERVICE;)	
THE UNITED STATES DEPARTMENT)	
OF HEALTH AND HUMAN)	
SERVICES; THE UNITED STATES)	
OF AMERICA, and DOES 1-50,)	
inclusive,)	
)	
Defendants.)	

1 TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
2 THE EASTERN DISTRICT OF CALIFORNIA:

3 PLEASE TAKE NOTICE that the Federal Defendants United
4 States Department of Health and Human Services; Family Healthcare
5 Network; Melanie Murphy, D.D.S.; Noah Alex Agard, D.D.S.; Henry
6 Camilo Cisneros, Jr., D.D.S.; Guadalupe Quezada, D.D.S.; and
7 Antonio F. Sanchez, M.D. have been deemed eligible for coverage
8 under the Federal Tort Claims Act (FTCA) (28 U.S.C. §§ 1346(b),
9 2671-2680) pursuant to provisions of the FFHCAA, cited above, and
10 to have been acting within the scope of what is deemed under the
11 FFHCAA to be federal employment at all times relevant to the
12 complaint. See Attachment A (Certification by the United States
13 Attorney, through his authorized designee, that federal
14 defendants were acting within the scope of what is deemed to be
15 federal employment at the time of the alleged conduct giving rise
16 to the complaint).

17 WHEREFORE, the United States respectfully submits that this
18 Notice Substitutes the United States as the proper party
19 defendant in lieu of the federal defendants and dismisses federal
20 defendants pursuant to their official immunity.

21
22 DATED: January 10, 2006

Respectfully submitted,

McGREGOR W. SCOTT
United States Attorney

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25 By: /s/ Kristi C. Kapetan
26 KRISTI C. KAPETAN
27 Assistant U. S. Attorney
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ORDER

IT IS SO ORDERED.

Dated: January 11, 2006
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE